

2. As used in this Consent Judgment, (i) the term “MSN Product” shall mean a drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 209526 (and defined in greater detail in the Settlement Agreement); and (ii) the term “Affiliate” shall mean, with respect to a Party, any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with such Party. For purposes

of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (i) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (ii) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the board of directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Except as specifically authorized pursuant to the Settlement Agreement, MSN, including any of its Affiliates, successors and assigns, is enjoined from infringing United States Patent Number 7,737,112 on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the MSN Product.

4. Compliance with this Consent Judgment may be enforced by Onyx and MSN and their successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims, counterclaims, affirmative defenses and demands in this action by either Onyx or MSN are hereby dismissed with prejudice and without costs, disbursements or attorneys’ fees to any party.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Megan E. Dellinger

Jack B. Blumenfeld (#1014)
Karen Jacobs (#2881)
Megan E. Dellinger (#5739)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
kjacobs@mnat.com
mdellinger@mnat.com
Attorneys for Plaintiff

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CAESAR RIVISE, PC

/s/ R. Touhey Myer

R Touhey Myer (#5939)
800 North King Street, Suite 304
Wilmington, DE 19801
(302) 544-9100
tmyer@crbcp.com
Attorneys for Defendants
MSN Pharmaceuticals, Inc. and
MSN Laboratories Private Limited

SO ORDERED this 7th day of May 2019.



The Honorable Leonard P. Stark